

	Garner Police Department Written Directive	
	Chapter: 300 - Personnel Management	
	Directive: 310.11 – Early Intervention System	
Authorized by: Chief Joe Binns		Effective Date: June 15, 2021
CALEA Standards: 35.1.9		

### 310.11.1 - Purpose

The purpose of this directive is to establish policy and procedure for the administration of the Department's Early Intervention System as a means of improving employee performance and avoiding the need for disciplinary action whenever possible.

### 310.11.2 - Policy

It is the policy of the Garner Police Department to provide a systematic review of performance indicators as part of a comprehensive Early Intervention System. The early identification of employees who are engaging in a pattern or practice of problematic behavior or are experiencing underlying issues that are affecting their job performance is imperative. Providing a method for identifying performance deficiencies, taking corrective actions, making appropriate referrals, and monitoring subsequent behavior increases the Department's accountability and offers the employee a better opportunity to fulfill the Department's mission and values.

### 310.11.3 – Administration of the System

- A. The Administration Bureau Captain is responsible for the administration of the Department's Early Intervention System (EIS).
- B. The EIS is a combination of statistical analysis of data recorded in the internal affairs tracking software utilized by the Department and the supervisory assessment of employee behavior patterns. Either of these criteria may be used to justify an employee review.
  1. The Department's internal affairs software automatically tracks documented employee performance for the purpose of measuring that activity against the pre-determined criteria for the EIS.
  2. The existence of an automated EIS process is not intended to dismiss supervisory responsibility for monitoring day-to-day and long-term employee performance, for addressing problematic or concerning behavior, or for initiating a performance complaint or allegation of serious misconduct based on a single incident.
  3. Supervisors are encouraged to be alert for the following performance behavior which can justify a review under the Early Intervention System:
    - a. Excessive absenteeism;
    - b. Reduction in work performance;
    - c. Sudden unusual behavior;

- d. Problems that are not corrected by normal supervisory interventions, such as previous attempts to improve undesirable behavior with little or no improvement in behavior; or
  - e. Any other objective behavior a supervisor observes which indicates an employee may have an issue that would justify an EIS review.
- C. Employees have password-protected access to the internal affairs software as a means of viewing their status in the EIS at any time.

#### **310.11.4 – Criteria for Alerts (35.1.9)**

- A. The following criteria in the internal affairs tracking software are used as potential triggering events for review in the EIS:
  - 1. Being the subject of an allegation of serious misconduct;
  - 2. Being involved in a motor vehicle crash on-duty;
  - 3. Being the subject of a performance complaint;
  - 4. Being involved in a reportable use of force incident;
  - 5. Being involved in a vehicle pursuit; and
  - 6. Witnessing a use of force by another agency.
- B. Specific criteria for combinations of these triggering events to cause an alert are established by the Chief of Police.
  - 1. Specific alert criteria are defined in the addendum to this directive.
  - 2. All personnel will be informed of any changes to the criteria.
- C. The Department's EIS software utilizes a "rolling" calendar whereby the system looks "backward" 365 days in measuring activity for potential alerts. Once a triggering event is entered, it is included in the automatic evaluation for the specific number of days set for that alert from the date of occurrence.
- D. Any supervisor may request an administrative review by the Administration Bureau Captain based on an employee's observed behavior as indicated in 310.11.4 B.3. This request shall be in the form of a memorandum sent to the Administration Bureau Captain and copied to the employee's Division Lieutenant.

#### **310.11.5 – Administrative Review Procedure**

- A. The EIS conducts a periodic review of all personnel and any triggering events to determine if there are any alerts to be issued.
  - 1. In the event the EIS issues an "alert" based on the review of triggering events, the Administration Bureau Captain will review the alert information. The administrative review will normally be completed in no more than three (3) business days.
    - a. He/she will determine if the alert requires a supervisory review or if there has been any error in data entry or other circumstances exist which deem the alert to not need supervisory review.

- b. If the involved employee has been subject to a supervisory review of an EIS alert involving a majority of the triggering events, the Administration Bureau Captain will compare the most recent triggering event(s) to the existing supervisory review. This comparison will be considered by the Administration Bureau Captain in determining the need for another review; the existence of a prior supervisory review will not serve as the only factor in dismissing the current EIS alert.
  2. If the alert is deemed to need supervisory review, the Administration Bureau Captain will notify the involved employee and the involved employee's chain-of-command of the alert that requires a supervisory review.
  3. If the alert is deemed to not need supervisory review, the Administration Bureau Captain will document his/her administrative review process, including the justification for not assigning a supervisory review, in the EIS system. The Administration Bureau Captain will then notify the employee's chain-of-command of his findings.
- B. If there is an active EIS alert review in progress and an additional triggering event is entered into the system, the EIS will automatically notify the Administration Bureau Captain of the additional triggering event.
  1. The Administration Bureau Captain will review the additional alert and will ensure that the "new" information is included the documentation of the initial EIS alert.
  2. The Administration Bureau Captain will notify the supervisor conducting the initial EIS review of the additional event and will ensure that the additional event is included in the review.
- C. If the "alert" is the result of a supervisor requesting an administrative review, the employee will receive a full supervisory review since the "alert" is triggered by the supervisor and based on employee behavior. The Administration Bureau Captain will offer the supervisor guidance in conducting the review and will meet with the employee to explain the purpose and process of the review (as outlined below in 310.11.7.C).

#### **310.11.7 – Supervisory Review Procedure (35.1.9)**

- A. Upon being assigned to conduct a review of an EIS alert, the assigned supervisor shall review each of the following:
  1. Each of the involved events in the internal affairs software, or in the case of a supervisor generated EIS review, the employee's involved events for the past 365 days;
  2. The involved employee's most recent completed performance appraisal and any performance documentation since that appraisal for any noted issues or concerns that may be related to the alert;
  3. Any sick leave or unscheduled absences by the employee in the 365-day review period;
  4. Any referrals to the Employee Assistance Program in the past 365 days; and
  5. The employee's recent behavior, with an emphasis on identifying behavior that may be indicative of alcohol and/or substance abuse or personal problems that are impacting work performance.
- B. The supervisor shall consider the following when conducting the EIS review:
  1. Any patterns or trends in the cumulative behavior that are indicative of a need for additional or remedial training to prevent citizen complaints or avoidable use of force in the future;

2. Any changes in behavior related to overall efficiency or productivity, sick leave taken, tardiness, etc.;
  3. Any indicators of stress impacting the employee's performance, including but not limited to recent changes in work assignment (or non-selection for an appointment, selection, or promotion), exposure to a critical incident, family / personal issues, false or misleading accusations against the employee, etc.;
  4. Any indicators of alcohol abuse and/or controlled substance use or abuse;
  5. How the employee's internal affairs and performance history compares to other similarly situated employees; and
  6. Any other factors the supervisor knows or suspects may be contributing to employee performance.
- C. Once the supervisor has completed his/her review of the available information described above, the supervisor will meet with the involved employee to discuss the EIS alert and subsequent review.
1. The Administration Bureau Captain will be present to review the purpose of the EIS and the process for the supervisory review. Once this review is completed, the Administration Bureau Captain will leave the meeting unless requested to remain by the employee or by the supervisor with the employee's consent.
  2. The supervisor will review the alert and the triggering events with the employee, including an appropriate emphasis on any identified patterns of behavior or other concerns.
  3. The supervisor will discuss his/her review of the items listed in section "B" above and will seek feedback from the employee on any identified issues or concerns.
  4. The supervisor will give the employee the opportunity to discuss any other personal or professional issues or concerns that might be related to overall performance.
  5. The supervisor will, when appropriate, offer resources and/or services to assist the employee (see section 310.11.8 on "Actions and Referrals" below).
- D. Once the review and employee meeting have been completed, the supervisor will document his/her findings by completing an [EIS Review Summary \(GPD form 310.11-A\)](#).
1. The summary will include documentation of the triggering events, actions taken by the supervisor in the review process, a summary of the employee meeting, and any recommendation(s) for counseling, training or other actions to be taken (see the section on "Actions and Referrals" below).
  2. The summary will be submitted up the chain-of-command for review and approval. Each level of supervision is responsible for ensuring that a thorough review has been completed and shall return the review if it is not completed in accordance with this policy.
  3. Once the summary has been reviewed and approved through the chain-of-command to the Chief of Police, the summary will be forwarded to the Administration Bureau Captain.
    - a. The Administration Bureau Captain will notify the employee's chain-of-command of the approval of the alert review.
    - b. The Administration Bureau Captain will include the approved summary in the EIS alert file.

4. The supervisor will meet with the employee to discuss the approved recommendations (or the fact that no further action is necessary), the goals (if any are established), and the employee's responsibilities resulting from the approved summary. The supervisor will also explain the process for post-review monitoring (see section 310.11.9 on "Post-Review Monitoring" below).
- E. The assigned supervisor will have up to thirty (30) days to complete their EIS alert review. If the review cannot be completed in thirty (30) days for any reason, the assigned supervisor must notify their immediate supervisor to request permission for an extension. The immediate supervisor must in turn notify the Administration Bureau Captain of any extension granted.

### **310.11.8 – Actions and Referrals (35.1.9)**

- A. The overarching goal of the EIS is to provide assistance to an employee who may be experiencing personal and/or professional problems that are impacting their work performance. More specifically, the goal of an EIS alert review is to review, identify, and address issues the involved employee is facing at the time of the alert.
- B. The supervisor conducting the EIS review is required to make a recommendation at the completion of their review. Supervisors may recommend one (or more) of the following:
  1. No additional action necessary;
  2. Supervisor - employee counseling;
  3. Referral to the [Town's contracted Employee Assistance Program \(EAP\)](#);
  4. Referral to a Police Chaplain;
  5. Alcohol/Drug Screening based on reasonable suspicion (in accordance with [Town policy](#));
  6. Remedial training;
  7. Leave of absence;
  8. Transfer or reassignment; and/or
  9. Completion of a medical and/or psychological fit-for-duty examination.
- C. Except in the case of no further action to be taken, the supervisor shall include with their recommendation a goal or set of goals that can be attained utilizing the service(s) to be provided the employee and that are closely related to any issues or concerns identified in the supervisory review.

### **310.11.9 – Post-Review Monitoring**

- A. Except in the case of a recommendation for no further action to be taken, the involved employee's supervisor shall monitor the employee's behavior for a minimum of six (6) months following the EIS alert review.
- B. The supervisor is responsible for the following during this monitoring period:
  1. Ensuring completion of any mandated evaluation, training, or other action.
  2. Monitoring employee behavior, to include any noted improvement or any regression toward behavior or performance that is unsatisfactory or constitutes a policy violation.

3. Meeting with and/or counseling the employee on an as-needed basis during the monitoring period.
  4. Meeting with the employee at the conclusion of the monitoring period to review their progress, to discuss any remaining behavior or performance issues, and to determine if the employee desires or requests any further assistance from the Department.
- C. At the conclusion of the monitoring period, the supervisor will complete a memorandum outlining their observations and actions (if any) as well as the employee's achievement of or progress toward any goals established as part of the EIS review.
1. The memorandum will be forwarded through the chain-of-command for review and approval.
  2. Once approved by the Chief of Police, the approved memorandum will be forwarded to the Administration Bureau Captain for inclusion in the EIS system.

**310.11.10 – Annual System Review (35.1.9)**

- A. The Administration Bureau Captain is responsible for conducting an annual review of the Department's Early Intervention System.
- B. The annual review will consist of the following:
1. A review of the alert criteria;
  2. A review of all alerts, to include those assigned for review as well as those not assigned; and
  3. A review of all recommendations resulting from EIS alert reviews.
- C. The Administration Bureau Captain will complete a report documenting any findings related to the operation of the system, the current alert criteria, and the actions and referrals available. The report will also include any recommendations for changes to the EIS and/or any Department policies or training based on review findings.

**ADDENDUM**

## Criteria for an Early Intervention System (EIS) “Alert”

The EIS will automatically generate an “alert” anytime that a Department employee meets any of the following thresholds for activity in the Internal Affairs software system:

- 1) Three (3) reportable use of force incidents (excluding pointing incidents) in a ninety (90) day period; or
- 2) Three (3) use of force by pointing incidents in a ninety (90) day period; or
- 3) Four (4) reportable use of force incidents (including pointing incidents) in a ninety (90) day period; or
- 4) Three (3) sustained complaints (to include performance complaints and allegations of serious misconduct) in a six (6) month period; or
- 5) Five (5) complaints (to include performance complaints and allegations of serious misconduct) in a six (6) month period regardless of the disposition; or
- 6) Five (5) of any combination of internal affairs events (to include performance complaints and allegations of serious misconduct regardless of the disposition, officer-involved crashes, use of force incidents (excluding pointing incidents), witnessing use of force incidents by other agencies, and vehicle pursuits) in a six (6) month period.